

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TERRENCE JEFFRIES, }
Petitioner, } Civil Action No. 07-320 Erie
v. }
COMMONWEALTH OF PA, et al., }
Respondents. }

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on November 20, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [15], filed on September 18, 2008, recommends that the Respondents' Motion [12] to Dismiss Petition for Writ of Habeas Corpus be granted, that the Petition for Writ of Habeas Corpus be dismissed, and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Rockview in Bellefonte, Pennsylvania, where he is incarcerated. Petitioner has filed no objections to Chief Magistrate Judge Baxter's Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 14th day of October, 2008;

IT IS ORDERED that the Respondents' Motion [12] to Dismiss Petition for Writ of Habeas Corpus be, and hereby is, GRANTED and the Petition for Writ of Habeas Corpus is DISMISSED. IT IS FURTHER ORDERED that a certificate of appealability is also denied, inasmuch as reasonable jurists would not find it debatable

whether the claims raised in the instant Petition for Writ of Habeas Corpus were fully exhausted at the time this action was filed.

The Report and Recommendation of Chief Magistrate Judge Baxter, filed on September 18, 2008 [15] is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record
Susan Paradise Baxter, Chief U.S. Magistrate Judge